

Robert Hernandez McDonald Jr.
535 S Grand St.
Mesa, Arizona 85210
Pro-Se

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

PHOENIX DIVISION

CV-16-00699-PHX-NVW

Robert Hernandez McDonald Jr.,)	Civil Action No.:
)	
Plaintiff,)	Complaint
)	
vs.)	
)	
Equifax Information Solutions, LLC,)	
)	
Defendant)	

Plaintiff Robert Hernandez McDonald Jr. alleges as follows:

The Parties

1. At all times herein after mentioned, plaintiff is and was a resident of Mesa, Arizona.

2. Plaintiff is a victim of identity theft.

2. Defendant, Equifax Information Solutions, LLC. is a Limited Liability Corporation incorporated under the laws of Georgia and having a main office at 1550 Peachtree St. NW Atlanta, GA 30309.

3. Defendant, Equifax Information Solutions, LLC, is registered with the Arizona Corporation Commission as a Foreign Limited Liability Corporation doing business in Arizona and has designated a registered agent: Prentice-Hall Corp System 2338 W. Royal Palm Rd. Suite J Phoenix, AZ 85021.

Jurisdiction

4. The Court has jurisdiction over this action pursuant to 15 U.S.C. § 1681 et seq., the "Fair Credit Reporting Act (FCRA) and 15 U.S.C. §§ 1692-1692p, the "Fair Debt Collection Practices Act."

Defendant's Statutory Violations

5. The Defendant is reporting derogatory information about Plaintiff to one or more consumer reporting agencies (credit bureaus) as defined by 15 U.S.C. § 1681a.

6. Plaintiff has disputed the accuracy of the derogatory information reported by the Defendant to the Consumer Reporting Agency Experian on four separate occasions via certified mail. See attachments.

7. Defendant has not responded to Plaintiff's four letters of dispute by providing evidence of the alleged debt to Plaintiff nor to the Consumer Reporting Agency Experian.

8. Defendant has not provided notice of this disputed matter to the credit bureaus and is therefore in violation of 15 U.S.C. § 1681s-2 which requires this notice.

9. Defendant has failed to comply with 15 U.S.C. § 1692g in that it has not within 5 days of Plaintiff's initial communication (nor at any other time) sent Plaintiff written documentation of the amount of the debt, the name of the original creditor nor other information required by the Fair Credit Reporting Act.

10. Defendant has failed to complete an investigation of Plaintiff's written dispute and provide the results of an investigation to Plaintiff within the 30 day period as required by 15 U.S.C. § 1681s-2.

11. Defendant has not notified Plaintiff of any determination that Plaintiff's dispute is frivolous within the 5 days required by 15 U.S.C. § 1681s-2, nor at any other time.

12. Defendant has placed the following information on Plaintiff's credit bureau: Account Information Disputed by Consumer, Meets FCRA requirements.

13. Defendant states on disputed items the item remains unchanged from the processing of your dispute on Month/Year. Defendant still reports inaccurate data after acknowledging that the dispute meets FCRA requirements.

Prayer for Relief

12. WHEREFORE,

1 data reporter reports the information as accurate despite the
2 plaintiff being a victim of identity theft.

3 Prayer for Relief

4 12. WHEREFORE,

5 Plaintiff seeks a reasonable and fair judgment against defendant
6 for willful noncompliance of the Fair Credit Reporting Act and
7 seeks his statutory remedies as defined by 15 U.S.C. § 1681n and
demands:

8 \$1,000 for actual damages

9 \$125,000 in punitive damages

10
11 Permanent injunction against the Defendant from reporting
12 derogatory information about Plaintiff to Consumer Reporting
Agencies (credit bureaus)


13 An order from this Court to delete all previously disputed
14 information stated on the credit bureau report including
15 addresses, telephone numbers and accounts.

16 Permanent injunction against Defendant for selling this alleged
17 debt to any other party

18 Any further relief, which the court may, deem appropriate.

19 Respectfully Submitted,

20 Dated this 11 of March, 2016

21
22 
23 _____
24 Robert Hernandez McDonald Jr.
25 Plaintiff, Pro Se
26 535 S Grand St.
27 Mesa, Arizona 85210
28 (480) 231-3506
Roberthmcdonaldjr@hotmail.com